

MEMORANDUM

TO: Planning Commission
FROM: Karen Stewart, Environmental Planner
Rebecca McCrary, Long Range Planning Manager
DATE: June 16, 2023
MEETING DATE: June 20, 2023
SUBJECT: Comprehensive Plan Periodic Update – Specific Amendment Requests Briefing

INTRODUCTION

Each year, the city conducts an annual docketing process in accordance with Everett Municipal Code (EMC) [15.02.700](#) (Docketing) as provided for in state law, [RCW 36.70A.470\(2\)](#). The purpose of the docket is to allow interested persons to suggest amendments to the comprehensive plan or development regulations between periodic update cycles. For docketing opportunities in 2022, 2023, and 2024 the Planning Director determined that the amendment requests will be processed within the 2044 periodic update project using the legislative procedures pursuant to [EMC 15.02.095](#). See Exhibit A Planning Director Interpretation 2023-01 dated April 19, 2023.

The purpose of this briefing is to introduce the information from the specific amendment applications and determine if additional information is needed for the public hearing and the commission's recommendation to the City Council on July 18, 2023. The requested Action of the Planning Commission in July is only to determine if each of the proposals should move forward in the Comprehensive Plan Periodic Update environmental impact analysis and proceed for further consideration. The recommendation does not indicate a decision on the merits of approval or disapproval of an application.

SUMMARY

A seven-week solicitation period for comprehensive plan/development regulations specific amendment applications was held beginning April 21, 2023, and ending June 12, 2023. [Public Notice](#) was properly posted and broadly disseminated consistent with noticing procedures and the [2044 Public Participation Plan](#). The city received 26 applications by the deadline. Several applications were received requesting that same action and may be combined for the purpose of processing.

PROCESS

As described above, this briefing is to introduce the specific amendment applications and determine if additional information is needed for the Planning Commission's public hearing and recommendation action on July 18, 2023. The following is an outline of the additional steps for processing specific amendment applications:

- Staff prepares and make a recommendation to the Commission on which proposals to advance and notifies applicants of the recommendation and Planning Commission schedule prior to the public hearing.



- The Planning Commission considers the staff recommendation and makes its recommendation to the City Council on which projects should advance for further consideration in the periodic update.
- The City Council considers the Planning Commission recommendation through a resolution identifying which proposals will advance for further consideration with the periodic update project.
- Staff will notify applicants and publish the list of proposals that will advance.

APPLICATIONS

Applications were accepted for changes to the following:

- Comprehensive plan – [text, goals, objectives, policies](#)
- Comprehensive plan – [land use map](#)
- Development regulations – [Title 19 EMC](#)
- Development regulations – [Zoning map](#)
- Development regulations – [Maximum building height map](#), and
- Development regulations – [Street designation map](#)

Submitted Applications

The information below describes the applications that were received and are arranged in amendment categories of map or text amendments.

Map Amendments

1. Olevia Marston-Glavaz and Sergio Glavaz, Map Amendments, 10303 21st Ave. West

Redesignation from Single Family to Multifamily Land Use Designation on the Land Use Map and rezone from R-2 to UR3 or higher to allow construction of 6 units or more of a .69 acre parcel.

2. Bryan Mize, Map Amendments, 906 E. Marine View Drive

Redesignation from Single Family to Multifamily (or Commercial Mixed-Use designation) Land Use Designation on the Land Use Map and rezone from R-2 to MU4 (clarifying request is to UR4 or Mixed Urban with 4 floors) of a .31 acre parcel.

3. Jan Hromada, Map Amendments, 1802 McDougall Ave.

Redesignation from Single Family to Commercial Mixed-Use Land Use Designation on the Land Use Map and rezone from R-2 to Mixed Urban on a .14 acre parcel

Text Amendments

4. Bob Bengford for Everett Housing Authority, Comprehensive Plan Text Amendment

Amend Land Use Element Policy 2.11.1 land use designation table for Residential, Multifamily building intensity limit to be increased from 10 stories to 15 stories for an area of at least five acres and in a planned development overlay.

5. Adam Clark, Development Code Amendment, Broadway east/west frontage parcels extending from 34th St to 36th St.

Amend municipal code EMC 19.22.030.B Height Reductions—Adjacency, Table to eliminate the adjacent height limitation of 50' within 50' of a UR3 or UR4 zone. Amend EMC 19.22.150 Building heights maps. Map 22-1 Maximum Building Heights Map 5 floors to 7-11 floors.

6. Kristin Hall, Dave Mascarenas, Robert and Brenda Kerr, Lance Miller, David and Elena Miller, Wayne Seibel and Marian Gonzales, Ken and Joan Swendsen, Cathy Tetzlaff, Dora and Jeff Watson, Long and Linda Welly, Nate and Leta Holt, Ian Moreton and Corrine Goulet, Bill and Heidi Mulliken, Susan



Hawkeye, John and Christine Witters, Paul Kulits DMD and Andrea Drougas, David and Carel Peterson, Gene and Dawn O'Neil, Howard and Melinda Bargreen, Port Compatibility Overlay, Zoning Map Amendment and Development Code Amendment

Remove Everett Municipal Code Sections 19.17.100 and 19.17.110 as it pertains to the Port Compatibility Overlay.

7. Port of Everett, Development Code Amendment

Amend municipal code EMC 19.17.110 to extend the Port Compatibility Zoning Overlay to include the Port of Everett freight corridors north along West Marine View Drive and south to Pacific Ave., Rucker Ave, 41st St east to I-5 interchange.

8. Mary Cunningham, Development Code Amendment

Amend municipal code EMC 19.34.110B and EMC 13.16.050F to prohibit driveway access from the street on alley lots when access is existing or feasible from the alley, and/or when a previous or current owner has constructed improvements that preclude future driveway access from the alley and proposed parking is not required by Title 19.

9. David Koenig, Comprehensive Plan Text Amendment and Development Code Amendment
Development Code Amendments

Adopt State RCW definition of Middle Housing:

New definition in RCW 36.70A.030 (House Bill 1110)

"Middle Housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

Adopt the following to reinforce State Law to protect environmental sensitive areas:

Middle Housing is not allowed on lots in single family zoned areas (R-1 and R-S) which have environmental features. This includes critical areas, steep slopes, wetlands, streams, geological hazard areas, and shoreline residential designation areas.

Adopt the following to ensure that there is adequate infrastructure and development meets city standards to accommodate the increased density of housing as required by state law.

Middle Housing is not permitted in single family residential areas where the public right of way design and constructions standards are not met. These standards are entitled Roadway Functional Classifications - Sheet 300 developed by Everett Public Works Department.

In R-1 and R-S single-family zones the maximum height is two stories and 28 feet.

Comprehensive Plan amendments:

Develop and adopt design standards for Middle Housing and Single-Family Housing to ensure that new development is compatible in scale, form, and character with single-family houses and to be conformance with the state law definition of Middle Housing.

- Design standards are to address increased density compatibility, neighborhood scale, neighborhood character, improved placemaking and mitigation for adjacent properties.
- Ensure needed capacity for project reviews by maintaining appropriate staffing levels and providing training including how to apply design standards.
- As a part of Comprehensive Plan and Development Code Updates review the effectiveness of zoning codes and development standards as a part of the review process.

REQUEST OF THE PLANNING COMMISSION

Review the application process (Exhibit B) and request additional if necessary. A public hearing and potential Planning Commission recommendation is scheduled for the July 18, 2023, meeting.

EXHIBITS

Exhibit A	Planning Director Interpretation 2023-01
Exhibit B	2024 Comprehensive Plan and/or Development Regulation Specific Amendment Review Process



Planning Director Interpretation

2023-01

April 19, 2023

INTERPRETATION

RCW 36.70A.470 requires the city provide a path for a person or organization to propose a change to the comprehensive plan or development regulations¹ as part of the periodic update², which is a legislative process³. Chapter 15.03 EMC identifies amendments to the comprehensive plan⁴ or development regulations⁵ as quasi-judicial decisions. Chapter 15.02 EMC also identifies some proposed amendments as legislative decisions⁶.

This interpretation holds that during a periodic update process, formal requests for changes to the comprehensive plan or development regulations will be processed along with the periodic update as a legislative process pursuant to EMC 15.02.095.

For the periodic update due December 31, 2024, the city will combine 2023 and 2024 annual docket requests into the periodic update, with an application window in Spring 2023.

APPLICABILITY

This interpretation applies to non-city-initiated applications requesting amendment to the comprehensive plan or development regulations while a periodic update process under RCW 36.70A.130 is underway.

¹ "RCW 36.70A.470(2) requires that comprehensive plan amendment procedures allow interested persons... to suggest amendments of comprehensive plans or development regulations... These suggestions must be docketed and considered at least annually." (WAC 365-196-640(6))

² "If a [city] conducts a comprehensive plan docket cycle in the year in which the review of the comprehensive plan is completed, it must be combined with the periodic review process." (WAC 365-196-610)

³ "Cities must periodically take legislative action to review and, if needed, revise their comprehensive plans and development regulations" (WAC 365-196-610)

⁴ "Amendments to the comprehensive plan may include both text (e.g., goals and policies) and maps (e.g., land use designations)... Amendments are considered by Review Process V." (EMC 15.03.400) "REV V actions are a quasi-judicial decision." (EMC 15.02.090)

⁵ "An area-wide rezone is considered by Review Process V... [a site-specific rezone with comprehensive plan amendment] is considered by Review Process V. ... [A site-specific rezone without a comprehensive plan amendment] is considered by Review Process IIIB. ... Unified Development Code Text Amendments ... are considered by Review Process V." (EMC 15.03.300) "REV IIIB ... are ... quasi-judicial decisions" (EMC 15.02.090(B)(2)) "REV V actions are a quasi-judicial decision." (EMC 15.02.090(A))

⁶ "The following land use actions are considered legislative actions of the city council. 1. Adoption or amendment to the comprehensive plan or land use map; ... 4. Area-wide rezone in conjunction with a comprehensive plan land use map change; 5. Adoption or amendment to development regulations." (EMC 15.02.095)



INTRODUCTION

State law requires the city to conduct a periodic process to update its comprehensive plan and development regulations every ten years⁷, with early and continuous public participation⁸. State law also provides for a process under which property owners and other affected and interested individuals, tribes, agencies, businesses, and organizations may formally request an amendment to the comprehensive plan and/or development regulations⁹ between periodic updates (docketing) and as part of the update process.

This interpretation is issued to clarify the review process for docket applications during a periodic update process.

BACKGROUND – STATE LAW

“Docket”

RCW 36.70A.470 requires the city to adopt, in municipal code, a defined method for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies to suggest amendments to the comprehensive plan or development regulations. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130. (Legislative intent: a means by which cities and counties will docket suggested plan or development regulation amendments and ensure their consideration during the planning process).

Public participation

RCW 36.70A.130(2)(a) requires the city to establish and broadly disseminate to the public a public participation program that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the city council no more than once per year.

The public participation program (RCW 36.70A.140) must identify procedures providing for early and continuous public participation in the development and amendment of comprehensive plans and development regulations. The procedures shall provide for

- Broad dissemination of proposals and alternatives
- Opportunity for written comments
- Public meetings after effective notice
- Provision for open discussion
- Communication programs
- Information services
- Consideration of and response to public comments.

The public participation program must also include notice procedures (RCW 36.70A.035) that are reasonably calculated to provide notice of proposed comprehensive plan and development regulation amendments to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, public water systems, and organizations. Examples of reasonable notice provisions include:

- Posting the property for site-specific proposals;

⁷ RCW 36.70A.130, WAC 365-196-610

⁸ RCW 36.70A.140, WAC 365-196-600

⁹ RCW 36.70A.470, WAC 365-196-640(6)

- Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;
- Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and
- Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

Everett Municipal Code

EMC 15.02.700(C) provides that any interested person, including applicants, citizens, hearing examiners, city officials, and staff of other agencies, may suggest plan or development regulation amendments in writing to the planning director, which shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130.

EMC 15.03.300 addresses changes to the unified development code, otherwise known as the city's development regulations, or zoning code. All changes to zoning classifications, or rezones, are identified as a Review Process V or IIIB, both of which include quasi-judicial decisions by the city council.

A. Area-Wide Rezones.

1. Description. An area-wide rezone is to change the zoning classification that is not site-specific.
2. Who May Initiate. Only the city may initiate area-wide rezones; the area-wide rezone may be initiated by the city council, mayor or designee.
3. Review Process. An area-wide rezone is considered by Review Process V. See Chapter 15.02 for procedures.

B. Site-Specific Rezones.

1. Description. A site-specific rezone is to change the zoning classification of a specific property or properties.
2. Who May Initiate. Site specific rezones may be initiated by the city or all property owners in the requested rezone area.
3. Review Process.
 - a. If the rezone includes an application to amend the comprehensive plan, the site-specific rezone is considered by Review Process V. See Chapter 15.02 for procedures.
 - b. If the rezone does not require an amendment to the Comprehensive Plan, the site-specific rezone is considered by Review Process IIIB. See Chapter 15.02 for procedures.

EMC 15.03.400 addresses changes to the comprehensive plan. All changes to the plan are identified as a Review Process V, which includes a quasi-judicial decision by the city council.

15.02.095 Legislative actions.

A. *Description.* Several land use decisions are the discretionary authority of the city council. These decisions are not subject to the local project review procedures set forth in this chapter. These legislative actions require a recommendation from the planning commission.

B. *Decisions Included.* The following land use actions are considered legislative actions of the city council.

1. Adoption or amendment to the comprehensive plan or land use map;
2. Adoption or amendment of subarea plans;
3. Planned action ordinance or resolution;
4. Area-wide rezone in conjunction with a comprehensive plan land use map change;
5. Adoption or amendment to development regulations.

AUTHORITY FOR THIS INTERPRETATION

EMC 15.02.800 Interpretations of land use regulations (part)

The planning director is authorized to issue interpretations of the land use and development regulations as necessary and to promulgate rules and procedures as consistent with the terms of this title. Such interpretations shall constitute Review Process I decisions.

EMC 19.41.050 Promulgation of rules, procedures and interpretations.

The planning director is authorized to promulgate administrative rules, procedures and interpretations consistent with the terms of this title. Appeals of any such rule, procedure, interpretation or other administrative determination made by the planning director shall be made in accordance with the appeal procedures as set forth in EMC Title 15, Local Project Review Procedures.


Yorik Stevens-Wajda, Planning Director

4/19/23
Date

APPEALS

This decision may be appealed to the City's Hearing Examiner within 14 days of the issuance of this decision. For information about appeals, please refer to [EMC 15.02.600](#).

Exhibit B

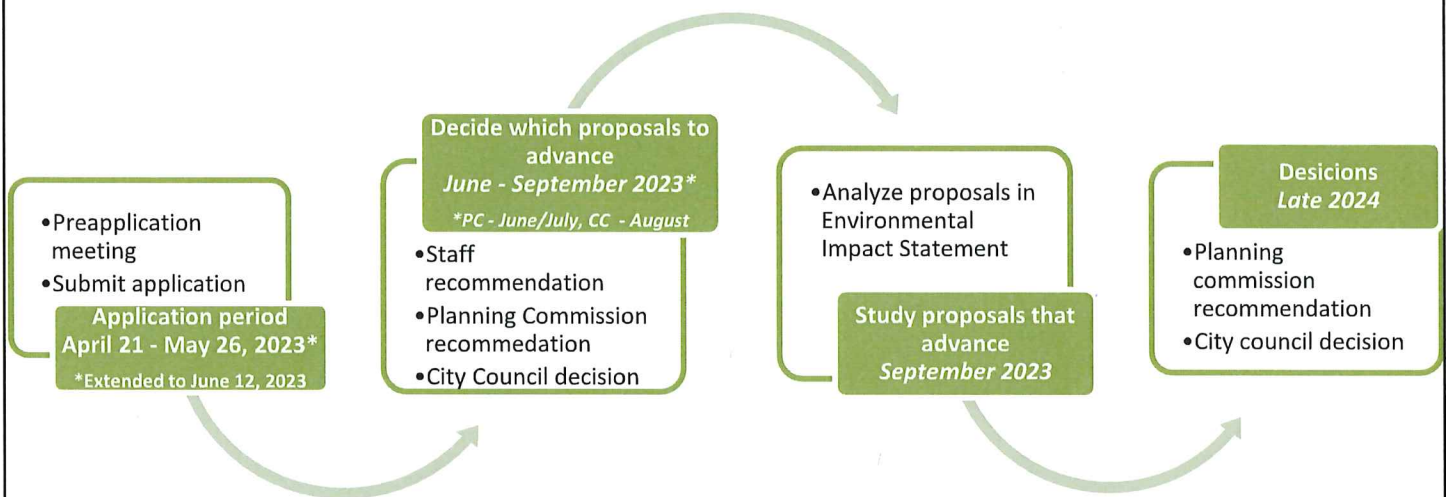


2024 COMPREHENSIVE PLAN AND/OR DEVELOPMENT REGULATION AMENDMENT REQUEST



Review Process

The Comprehensive Plan Periodic Update project is underway and scheduled to be completed no later than December 31, 2024. Specific request for amendments to the Comprehensive Plan can be considered during the project using the following process.



Application Steps

- Hold pre-application meeting with Planning Department (Long Range Division) staff prior to applying.
- Submit an application with supporting materials. An application consists of a complete and signed submittal checklist with attachments.
- Staff may request additional information.
- Staff will prepare a recommendation on which proposals to advance and will notify applicants of the recommendation and Planning Commission schedule.
- The Planning Commission will consider the staff recommendation and make its recommendation to the City Council on which projects should advance for further consideration in the periodic update.
- The City Council will consider the Planning Commission recommendation and consider a resolution identifying which proposals will advance for further consideration in the periodic update.
- Staff will notify applicants and publish the list of proposals that advance.

